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Kirsten K. Stone
Name of Person Mailing
Kirsten Stone
Signature of Person Mailing

PRJ #10

P&G Case No. 8312

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Raymond Agyapong, et al. :
Serial No.: 09/695,552 : Group Art Unit: 3761
Filing Date: October 24, 2002 : Examiner: D. Ruhl
Confirmation No. 2560
For: IMPROVED PROTECTION :
TAMPON AND METHOD OF :
MAKING :

DECLARATION OF DAVID JOSEPH CARACCI UNDER 37 C.F.R. §1.132

The Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, David Caracci, of 10281 Falling Waters Lane, Evendale, OH, the undersigned, declare as follows:

All statements made herein are true to the best of my knowledge, or, if made upon information and belief, are believed to be true.

I am a graduate of the University of Illinois, Champaign-Urbana, IL, having received a B.S. degree in Mechanical Engineering from that institution in 1990. Since 1990, I have been employed by The Procter & Gamble Company of Cincinnati, Ohio, assignee of the present application, where I am currently a Product Development Section Head for the group which collected the data discussed below.

I am an inventor on the above-captioned patent application and supervised the data collected for Table 1, Table 2, and Table 3 therein.

Table 1 and Table 2 provide data for 5 products. The table legends found on pages 15 and 20 correctly label the tested products A-E.

Table 3 provides data for only 4 products, A-D. The table legend found on page 21, lines 1-4 incorrectly labels products A-E.

I have consulted the original data collected and reported in Table 3 and have determined that only the prior art tampons are mislabeled. Product "A" is a tampon according to the present invention.

I have determined that the correct labeling for the comparative data provided on prior art tampons B-D should read as follows:

B=OB Digital Tampon

C= PLAYTEX GENTLE GLIDE tampon

D=Unicharm CHARMSOFT Tampon

Further deponent sayeth not.

This declaration is made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and may jeopardize the validity of the above-captioned patent application or any patent issuing thereon.

October 1, 2002

Date

David Joseph Caracci

David Joseph Caracci

18 U.S.C. §1001 Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or advice a material fact, or makes any false, fictitious or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.